O/Oil Engines/51

1951 K File No. 47/51

Legal Dept.

G BRANCH

Subject:— opinion on the

Oil Engines (control of Prices)

Order 1948

P 1/51

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C O N T E N T S

Legal Department File re. Oil Engines/51

Sr. No.	I. L. / C. No.	Subject	Pages.
		Opinions under the Oil Engines(Control of Prices) order ,1948	
1.	727-Confl 26-7-51	Whether certain Industrial Works who undertakes repairing work can be said to be dealers in oil engines for the purposes of the said order when the said Works sells some engines on behalf of their customers.	1-2

Mjr/25/7
5 Cs.

Legal Department

The word 'dealer' is defined in clause 2(3) of the Oil Engines (Control of Prices) Order, 1948 and it means a person who carries on the business of purchasing or selling oil engines and includes any person who holds stocks of oil engines which are not being used by himself. In order to establish that a person is carrying on the business of purchasing or selling oil engines it is not sufficient to prove that he occasionally purchased or sold oil engines but it is necessary to prove some degree of system or continuity in his transactions of purchase and sale of such engines. (para 264 of Halsbury's laws of England Vol. XXIII). Carrying on business exists where there is a succession of acts or continuity of transactions (R.L.A's opinion No. 1288 dated 6th February 1948). M/S Behre's Industrial Works who sold the oil engines only once and who do not hold stocks of such engines cannot come under the definition of the term "dealer" given in the Oil Engines (Control of Prices) Order, 1948.

Incidentally it is pointed out to Agriculture and Forests Department that there is no objection to M/s. Behere's Industrial Works being prosecuted for breach of Government Order, Agriculture and Rural Development Department No. 2088/A/F/1, dated the 24th May 1948 for not furnishing a statement in respect of the sale of the oil engines as that order applies to any 'person' and to used engines also.

Sd/- B.D. Mirchandani
O.C.
Additional Secretary to Government.

U.R. to A. & F.D., No. 727-Confl, dated the 26th July 1951.

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4 Cs.